

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 28TH DAY OF JUNE, 1996

Original Application No. 671 of 1996

HON.MR. JUSTICE B.C.SAKSENA,V.C.

Rahim Bus, Son of late Imam Ali
R/o 1/1-A Beharipura, Prem Nagar
Jhansi, District Jhansi presently
posted as D.S.K.III, in the office of
Deputy Controller of Stores Central
Railway, Jhansi.

Applicant

BY ADVOCATE SHRI R.P. TIWARI

Versus

1. Union of India through the Genaral Manager, C.R. Bombay
2. Controller of Stores, Bombay V.T Central Railway, Bombay V.T
3. The Deputy Controller of Stores (CWE & G) Central Railway, Jhansi

Respondents

O R D E R(Oral)

JUSTICE B.C.SAKSENA,V.C

I have heard the learned counsel for the applicant. Through this OA the applicant challenges a notification dated 28.5.96 issued by the Respondent no.3, a copy of which is Annexure 1 to the petition. Through the said notification it has been informed that it was proposed to hold a written examination with a view to form a panel for the post of Depot Store Keeper II Grade 1600-2660 for Jhansi area. A list of staff eligible to appear at the said selection has also been enclosed ~~to~~ the said notification and the applicant's name has been shown at sl. no. 18.

2. The applicant challenges the said notification on the ground that he was ~~illegally~~ reverted from the post of DSK-II on which he had been officiating on adhoc basis. The said reversion order is shown to have been passed on 25.1.94. The applicant's claim is that since

he had worked for more than 18 months on adhoc basis as DSK II he was entitled to have been confirmed on the said post or in any event now to be promoted and to be confirmed. This is a very stale plea. The applicant in fact is not challenging the order for his reversion and no relief against the same has been prayed for.

3. The learned counsel for the applicant next submitted that respondent no.3 is under orders of transfer and the order for his transfer was passed on 24.5.96 but till now he has not handed over the charge. Another plea by the learned counsel for the applicant is that the Vth Pay commission report is to be announced and the applicant's ~~assumption~~ that after the Pay Commission Report the post of DSK II will be upgraded and would go out of the administrative control of the respondent no.3. As far as the allegation that the respondent no.3 is under transfer and his scheme is to hold a selection no notice of the averment can be taken since respondent no. 3 has not been impleaded by name and there are no allegations of malafide, ~~intention~~. As far as the second ground is concerned it is also highly presumptuous. This Tribunal can take judicial note of the fact that the Vth Pay Commission Report has ~~not~~ still to be submitted and it might take a few more months. Thereafter the recommendation should be considered by the ~~Examining~~ ^{Administrative} Authorities and the Pay Commission Report could be enforced not before a lapse of a year or more. The selection has become due and the applicant has been ~~at~~ ^{called} ~~for~~ ~~fault~~ to appear. If he does not wish to appear, as was also provided he could submit his unwillingness to appear at the selection. The applicant has not indicated any good ground to challenge the proposed selection. The OA is accordingly dismissed summarily.

OA 671/96

27.6.96 HON.MR.JUSTICE B.C.SAKSENA, V.C

Heard Arguments. Judgment dictated,
typed on separate sheet.

B.C.

V.C

6/1
Judgement dictated
on 27-6-96. Judgment
Kept on record.

dp
27-96